

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RANDY SMITH,

Petitioner,

v.

SCOTT FRAKES,

Respondent.

CASE NO. C12-5197 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 19) and Petitioner’s Randy Smith’s (“Smith”) objections to the R&R (Dkt. 20).

On June 8, 2012, Judge Creatura issued the R&R recommending that the Court dismiss Smith’s petition as time barred. Dkt. 19 at 4. On June 19, 2012, Smith objected to the R&R arguing the merits of his grounds for relief. Dkt. 20.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. Fed. R. Civ. P. 72(b)(3).

1 In this case, Smith has not properly objected to the merits of the R&R.
2 Regardless, the Court has reviewed the relevant dates and relevant law and adopts the
3 R&R.

4 Therefore, the Court having considered the R&R, Smith's objections, and the
5 remaining record, does hereby find and order as follows:

- 6 (1) The R&R is **ADOPTED**; and
7 (2) This action is **DISMISSED** as time barred.

8 Dated this 25th day of July, 2012.

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11 BENJAMIN H. SETTLE
12 United States District Judge
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